

Enhancing Cultural Responsiveness in the Courts Overview

Purpose:

- To enhance access to justice by fostering more culturally responsive courts.
- To assess culturally-specific barriers litigants may face in the civil, family, and criminal justice systems and design strategies for overcoming those challenges.
- To ensure that litigants are treated fairly, respectfully, neutrally, with dignity, without bias, or appearance of bias, and receive a just outcome despite coming from diverse backgrounds and cultures.

Culture might include:

Race	Education	Language	Immigration status
Ethnicity	Class/social status	Age	Mental disability status
Religion	National origin	Generation or era	Physical disability status
Family structures	Geographic location	Gender	
Past involvement with criminal justice system			

Center for Court Innovation, *Cultural Responsiveness and the Courts*, www.courtinnovation.org 2016.

Questions to Ask:

- *Are litigants from all cultures able to access civil, family, and criminal legal systems in my area?*
- *What personal and institutional barriers exist? How can we remove those barriers?*
- *Language access is critical. Are litigants able to access the courts even if English is not their first language?*
- *Interpreters are vital. Are deaf litigants able to access the courts?*
- *Are there any culturally specific community-based programs in my area that can help litigants access the courts?*
- *What strategies can the courts implement to engage the culturally specific programs to help my court be more culturally responsive?*

Places to Start:

- Avoid making hasty decisions based upon instinct and interactions with litigants that might be predisposed by implicit bias.
- View the statistics in your area and compare them to the statistics for the general population. If disparities exist, find out why and make adjustments.

Florida Department of Juvenile Justice Disproportionate Minority Contact Dashboard,
[http://www.djj.state.fl.us/services/prevention/federal-programs-grants/disproportionate-minority-contact-\(dmc\);](http://www.djj.state.fl.us/services/prevention/federal-programs-grants/disproportionate-minority-contact-(dmc);city-data.com)
[city-data.com; http://www.dcf.state.fl.us/programs/childwelfare/dashboard/removal.shtml](http://www.dcf.state.fl.us/programs/childwelfare/dashboard/removal.shtml)

- Engage other stakeholders to be effective in making needed adjustments.
- Identify the signs of trauma and what they mean so you can recognize them in witnesses and litigants in the courtroom. See *Red Flags of Trauma*:
http://www.flcourts.org/core/fileparse.php/538/urlt/Judicial_Toolkit_Judge_Tepper_RED_FLAGS_OF_TRAUMA.pdf
Essential Components of Trauma Informed Judicial Practice
https://www.nasmhpd.org/sites/default/files/JudgesEssential_5%201%202013finaldraft.pdf
- Make sure litigants have a voice in the courtroom and a chance to be heard. Even if they ultimately lose the case, both petitioners and respondents are more likely to comply with the final orders if they feel like they are treated fairly, respectfully, and are given a chance to express their views.
- Conduct a hearing using court procedures that can be easily followed by all involved. Use plain language to explain to litigants the rules of the courtroom, and ensure all paperwork is written in concise, plain language.

Next Steps:

- Improve existing signage in the courthouse etc., to make it user friendly so that people new to the building can find where to go. Make directions easy to follow.
- Develop strategies for becoming more culturally responsive and trauma informed.
- Work with an existing group of stakeholders to make improvements.
- Provide brochures or other information for litigants that clearly describe the courtroom locations, procedures, and other necessary information.
- Help litigants know what to expect and how to prepare for a court appearance.
- Find ways to link victims and offenders to local services and resources.
- Ensure that the court is available through public transportation.
- Use the language line and certified court interpreters as needed. When in doubt about someone's language proficiency, engage an interpreter!

Resources for Further Information:

The Florida Standing Committee on Fairness and Diversity Best Practice Guide

<http://www.flcourts.org/core/fileparse.php/590/urlt/Fairness-and-Diversity-Best-Practices-Guide.docx>

Recognizing and Eliminating Bias from Court Operations

<http://www.flcourts.org/core/fileparse.php/243/urlt/RecognizingEliminatingBias.pdf>